

REMARKS

Claims 1-14 and 18-37 were previously withdrawn and are now canceled. In the final Office action dated January 24, 2008, claims 15-17, 38 and 39 were rejected, and claims 40-42 were objected to. Reconsideration of all rejected claims is requested in light of the statements below.

Claim Rejections under 35 USC 103

Claims 15-17, 38, and 39 were rejected under 35 USC 103(a) as unpatentable over Gonzalez et al (US Patent 7,032,065) in view of Lasser (US Patent 6,988,175). However, 35 USC 103(c)(1) states, "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person," (emphasis added). See also MPEP 706.02(1)(1).

Statement Of Common Ownership

The present application and US Patent 7,032,065 were, at the time the invention of the present application was made, owned by SanDisk Corporation.

The above statement is believed to be sufficient evidence of common ownership, per MPEP 706.02(1)(2)II. Because of the common ownership of US Patent 7,032,065 and the present application, US Patent 7,032,065 cannot support a rejection under 35 USC 103(c). Because this is the only outstanding rejection, all claims are now in condition for allowance.

CONCLUSION

All previously rejected claims are now in condition for allowance as discussed above. All previously withdrawn claims are now canceled. Accordingly, a Notice of Allowance is requested. Should the Examiner be aware of any remaining issues in this case, a telephone call to the undersigned attorney at (510) 663-1100 would be appreciated.

Respectfully submitted,
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